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MEMORANDUM

THE WHITE HOUSE

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MEMORANDUM OF CONVERSATION

PARTICIPANTS:

DRV: Special Adviser Le Duc Tho
Minister Xuan Thuy
Mr. Nguyen Dinh Phuong
(Interpreter)

U.S.: Dr. Henry A. Kissinger,
Assistant to the President
for National Security Affairs
General Alexander M. Haig, Jr.,
Deputy Assistant to the
President for National
Security Affairs
Mr. David A. Engel (Interpreter)

TIME AND PLACE: 11 Rue Darthe
Choisy-le-Roi France
10:30 a.m. - 1 p.m.
December 4, 1972

Dr. Kissinger: I sense that the Special Adviser's flare for publicity is even greater than mine.

Le Duc Tho: Yours is stronger.

Dr. Kissinger: You learn very fast.

Le Duc Tho: Let's begin our work.

Dr. Kissinger: I see nobody but Vietnamese these days.

Le Duc Tho: Today I want to ask you what is the relationship between this restricted meeting and this afternoon's meeting? How do we settle the problem here and how do we settle in the other place? In any case we are talking together here as well as there. Today we meet here and in the other place but afterwards I propose that we meet in only one place. If we have to exchange private views then we can take a little break at the full meeting.

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Dr. Kissinger: Right. That is a good idea.

Le Duc Tho: Because it might happen that whatever we say or you say we would just have to repeat it at the other place. That is why I make my proposal.

Dr. Kissinger: I agree with the Special Adviser. I thought last time when we met when it looked as if we couldn't make progress it was important that we exchange views privately without too many of our advisors. I thought that because these meetings are so decisive it would be helpful to have a private exchange of views between the Special Adviser and me. After this we will proceed according to the Special Adviser's proposal. I hope and feel confident that it will not be necessary to have any more private meetings. If there are any points we need to exchange, we can do it during the break.

Le Duc Tho: Before you speak let me do so. Today I wish to speak frankly and straightforwardly. I owe you a reply to your last message which I said I would answer today. I have clearly explained our views. I would also like to make a few remarks on our last round of meetings so we can draw experience from these meetings to make our meetings here fruitful. Originally you said you needed to meet one more time to finish the settlement and that there would be no more changes regarding principles or substance. In reality your promise didn't come true. This time you also said you wish to meet one final time. We agreed to meet you to see how the settlement will be.

Dr. Kissinger: I thought for awhile that the Special Adviser would not begin by taking the offensive right away, but I see he believes in attack.

Le Duc Tho: I only speak the truth. During our last round of negotiations we maintained our principles but we also responded to some of your proposals and made some concrete changes and among them there were some fairly important points. At the same time at our fourth meeting we made a new proposal to open the road toward a settlement.

Dr. Kissinger: When you pounded the table, according to the newspapers. But I always tell people that you have never behaved toward me in anything but a courteous manner.

Le Duc Tho: You are right but in the course of debate there are sometimes hot discussions. This is an objective fact because the war is still going on and in our negotiations we cannot help such moments, but our behavior toward you has always been courteous and correct.

Dr. Kissinger: That is true.

Le Duc Tho: In reviewing the last six days of meetings, we have realized that you have not responded to any of our proposals. We believe that way of negotiating is neither fair nor reasonable. After we presented our proposal on the fourth day, you did not discuss it but you interrupted the negotiations. When we met here again, you made statements amounting to threats. You said that if we did not respond to your necessities you would step up your attacks on us. Then you sent us two messages in which you said that if no settlement was reached the consequences would be unforeseeable. In fact, over the past ten years of war we have known all the atrocities of war, and especially under the Nixon Administration these atrocities have been tremendous. We foresee that if the war is not settled the war will be very ferocious. Maybe you would even use massive B-52 bombing raids perhaps even to level Hanoi and Haiphong. We also sometimes think that you would also use atomic weapons because during the resistance against the French, Vice President Nixon proposed the use of atomic weapons. But we can see that if we do not achieve true independence and freedom no matter what destruction is brought to our country we will continue the struggle. If we do not achieve the goal in our lifetime, our children will continue the struggle. You said that President Nixon is determined. We know that. We understand President Nixon's determination to seize and destroy our country. We correctly understand. But the U.S. is a great country with very strong military potential. The President has the authority to order all branches of the service to use bombs and shells to destroy our country. In those conditions President Nixon's determination is not difficult and is something normal. But imagine that our country is a small one. Our population is not great and our weapons and material resources are far behind yours. We have been subjected to tens of millions of bombs and shells. The equal of 500 and 600 atomic bombs. But we have not been frightened by that and have opposed it. You can imagine how high our determination has been to enable

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us to do this. Speaking figuratively the determination of our Vietnamese people is even higher than the rockets which you send into space. That is a fact. Why do we have such determination? The simple truth is that we will not submit and reconcile ourselves to being slaves. So your threats and broken promises we say that is not a really serious way to carry on negotiations.

In the last six days of negotiations, through your proposals at the negotiating table and your actions on the battlefield, we see your intention clearly. Before militarily withdrawing you seek to strengthen the puppet administration in South Vietnam. Thus on one hand you have tremendously increased arms and means of war in South Vietnam and have sent civilian personnel to serve in the military branches in South Vietnam. At the negotiating table you have demanded the withdrawal of the so-called North Vietnamese army from South Vietnam. You have refused to withdraw civilian personnel serving in the military branches in South Vietnam. You are unwilling to release civilian personnel detained in South Vietnam. You want to eliminate the PRG in the text of the agreement. You want to change the organization of the National Council of National Reconciliation and Concord and deprive it of any role. You want to delay the establishment of this Council indefinitely. Your proposals and actions are aimed at strengthening the puppet administration in South Vietnam and weaken the forces of the PRG so as to make the Saigon administration strong enough to annihilate the revolutionary forces in South Vietnam and in so doing implement the policy of Vietnamization. So we can never accept your demand to change the text of the agreement. If you want to negotiate and settle the problem, you must respond to our proposals. These requirements of ours are very logical and reasonable and both sides have already agreed to them. We cannot go beyond these limits.

On the other hand as I have repeatedly told you, and again in our message of November 30, you should not resort to your habitual negotiating maneuvers because we are too familiar with them. These negotiating maneuvers will bring no results for you but they will just impede the negotiations. Now we have arrived at a very decisive point in the negotiations. We

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can arrive at a peaceful settlement of the problem or we can continue the war. That depends entirely on you. If you are determined to end the war and to bring peace as you say you should negotiate really seriously and show good will, and your words should match your deeds. As far as we are concerned you have realized that during the last round of negotiations we made great efforts and showed good will. Once more we are making a final effort to arrive at a settlement on the basis previously agreed by both sides. The situation is ripe to reestablish peace in Vietnam; it is time to end the long-standing era of hostility between us and to begin a new period of relationships. Thus you should make great efforts and we will make an effort, too. Both sides will go in that direction.

Dr. Kissinger: We will make great efforts but you will just make efforts?

Le Duc Tho: We have made great efforts already and now it is your turn. If we make a just evaluation that is a fact. We didn't say you never made efforts but we made a great effort. In my view that is a fair and frank evaluation. So in this negotiation we should negotiate really seriously with good will realistically and objectively to achieve a correct settlement beneficial to the people of Vietnam, the United States and the world. That is my very frank view aimed at avoiding past events, in order to continue the negotiations to a successful conclusion. I have finished.

Dr. Kissinger: Let me make a few general observations, Mr. Special Adviser, so that we understand each other. The Special Adviser has raised various alleged U.S. objectives about seizing Vietnam, destroying it and other characterizations. We have been discussing historical motives for 23 meetings. But it is not the historical U.S. policy to threaten Vietnamese independence. As I have pointed out before, one of the results of this war may be that Vietnam exhausts itself in a war with a country that has no long range objectives in Indochina like This. Indeed, if peace is restored, as I have often explained, I think that it is inevitable that the U.S. will emerge as one of the principle countries interested in the independence and prosperity of Vietnam. So we are fighting now for a historical cause that really has no objective. This is the overriding reality and this is why peace should be restored. In three years no one will remember the fine points now exciting the Vietnamese

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parties. If we have a genuine peace between us this reality will be more important than the clauses of the agreement. And if there is war between us then all these arguments, which will appear in your press, and which we will have to answer, will have no significance. From our first meeting four years ago I have said that we recognize that you are a heroic people. So we know that if there is war it will be very difficult. But we too are principled people. You know that if the war continues we will be very determined. We will never have a better opportunity to make peace than now, when there are only four or five issues between us. So we are, as we both have agreed, at a crossroads. If we make peace now, we will pursue the implementation of our relationship with the DRV with the same determination with which we have pursued other changes in our relationship in the past, and this will create a totally new reality. But if the war continues we both have sufficient experience with each other to know the meaning of this, and I don't see how peace could be made for many, many years. This is why once more I want to say that we so greatly desire to make peace with you now.

The Special Adviser has resorted to his usual tactics, accusing us of supposed bad faith and evil motives. There is a time for suspicion but there is also a time for understanding. What is the reality as we look at it? I have publicly acknowledged something you have never done: that you made an important proposal in October. If the Special Adviser reflects for a few minutes he will recognize that it was a great temptation then, and we received much advice that we should just break the negotiations and accuse you of bad faith. We resisted this advice and put ourselves in a publicly disadvantageous position in order to maintain the momentum toward peace and, quite frankly to put the other Vietnamese parties under an obligation to move more rapidly. The Special Adviser is very subtle and will understand our intentions. What was the situation in October? You made an important proposal on October 8. What would you have done if I had said that I would have to go to Saigon to discuss it and we could not meet for two or three more weeks? We have managed to spend three years with each other. You know that it would have been easy to waste many more months. It was a great temptation. We deliberately agreed to an accelerated schedule, knowing very well what risks were involved. Risks for our country, since you would have the opportunity to do what you are now

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doing, and personal risks for all involved. So you must understand that when you accuse us of bad faith, that is extremely offensive to us. We had always told you that there would have to be consultations in Saigon. And since your compatriots in Saigon are no more open with us then you are sometimes, we misjudged the nature of their views. Moreover, at the precise time that we were attempting to persuade them, the interview appeared which I have already discussed. I am not trying to argue; just to have you understand what we think. Then we received absolutely certain information--and you know that this is true--that between the time of my visit to Hanoi and 48 hours after a ceasefire you were planning to launch massive military attacks throughout South Vietnam to seize as much territory as possible. In fact those attacks were launched. I was supposed to go to Hanoi, and during that whole period and afterwards there would be massive military operations in South Vietnam. It is lucky it didn't come out that way because our own reaction would have been totally unpredictable. Ever since then we have been attempting to conclude the peace. You must be familiar with the attacks on me and on our policy which have been made daily in South Vietnam. You know how much time the President and I had to spend in order to bring the agreement to its conclusion. So we find ourselves in an absurd position in which you accuse us of plotting to destroy the agreement while others accuse us of plotting with you to destroy their independence.

Do you really think that the President spent 3 1/2 hours and I personally spend 15 hours last week just to make theater? So we have been serious. You have been attempting to draw interest on a situation in which we deliberately took risks in October, and which did not turn out as expected, partly because of your actions. Now some of these difficulties may be caused by the fact that you are a subtle people, and we may not always understand what you say to us. You said that you made an important proposal during our last meeting. If that is so, we didn't understand it. To us it looked as if you wanted to abandon a provision of the agreement which we had used to convince Saigon of your good faith.

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In exchange for an understanding to redeploy a very small, symbolic number of forces which was not written down, which could not be enforced and which was not even clearly specified. So we would have left the negotiation in which we intended to show improvement with a worse agreement, in return for a vague understanding. And this you presented to us in the form of an ultimatum. I know we could not accept this. If I accepted this the President would have rejected it. If the President had accepted this our allies would have rejected it. And therefore I thought it better for all of us to think things over. Nevertheless, in the meantime we have made a massive effort to improve the possibility that any agreement we reach could be implemented. We have left no doubt of our determination to reach an agreement with you this week if it is consistent with our principles. We have left no doubt that we would proceed under those conditions regardless of the consequences.

But absorbed as you are in your own problems, it can't be hard for you to understand that we too have suffered in war. We too have principles and there is a point beyond which we can't be pushed. You have fought many years totally absorbed in your own problems. What you need now is a glimmer of understanding of what we are going through. It is especially painful for us to be engaged in controversy now and in the coming weeks with our allies, whatever you may think of them. If you look at the history of this President you will recognize that he is taking tremendous steps in pursuing this course with you, presenting him with serious difficulties with people with whom he has been associated for so long. He has undertaken this course. We have worked all week wracking our brains to see what we can concede in the points you have raised. What you can't ask him to do and what he will not do is to accept all your demands simultaneously. Not only regarding mention of the PRG, which we will try to do something about; not only regarding the political structure in South Vietnam, regarding which we will also try to do something; but that all your forces can stay and that 40,000 others will be released to augment them. So I have come here with some ideas how to

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take account of your principles if you are willing to take account of ours. What now divides us is phraseology, which if we have no good faith means nothing; if we have good faith it is unnecessary. Considering what we have already achieved it would be an historical tragedy, an historical absurdity if we could not conclude an agreement. If we analyze the agreement in terms of who has to do what, the specific obligations, we have settled nearly everything already. So there is really not much more to negotiate about. Either we will settle this week or we will never settle.

So that's how it looks to us. I know it looks different to you. I am sure we can spend the whole week discussing history, good will and serious intent. But what we need now is wisdom to see whether we can settle in the short term because we understand the long term already. We will make a maximum effort. You may not consider this enough. I actually think we could settle very quickly. We have two plans, one for war and one for peace. There is no sense giving you our plan for war. We have talked about this often enough. Let me tell you about our plan for peace.

You said last time that you would not be fooled again with a schedule. That's your business. I am telling you what we are prepared to do. Since only four or five problems divide us, we think we could reach agreement in principle by tomorrow evening. On that assumption General Haig will leave for Washington immediately after the conclusion of our session tomorrow. On Wednesday, December 6, the Vice President of the United States and General Haig will go to Saigon carrying with them the agreements indicating that no further changes of any kind are acceptable. The Vice President is prepared to leave any time from Wednesday morning on. Within 48 hours of the conclusion of our negotiations here, or coincidental with the arrival of the Vice President in Saigon, we will stop all bombing and shelling and military activities against North Vietnam. On December 16 and 17, that is a week from this Saturday, I will go to Saigon. No later than December 22 we will sign the agreement. After Haig leaves here I will stay one more day to go over our understandings and issues of

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principle raised by the protocols. This is an unchangeable schedule. It is up to you to believe it or not, and except for the Vice President's trip it has been communicated to Saigon.

This is what we now foresee. We will make a proposal to you, many aspects of which we have had to make unilaterally. We will seriously take into account your principles. No matter what you said, we actually do not want to devote the next four years to war in Indochina. We would like to be able to look back on this as having brought about a revolutionary change in our relationship with Indochina. I have come here to make that effort and I hope that very soon we can shake hands on an agreement we will both be proud of.

Le Duc Tho: I would like to reply. I have met with you many times. We have on many occasions expressed our views and we have also expressed them fully today. We don't want to recall the objectives of the U.S. in Vietnam, because we have already spoken a great deal about that.

Dr. Kissinger: Excuse me. I meant to say I would go to Hanoi on December 16 or 17--not Saigon. Just so that you will understand where I intend to go. I will go to Hanoi.

Le Duc Tho: As to the origins of the war in Vietnam and Indochina we have already said a great deal. History will recognize these facts. Therefore I do not want to return to these subjects. We have been fighting each other, the war has been going on for more than ten years. You have understood our objectives are to achieve real independence and freedom. As I told you and you told me it's high time to settle the Vietnam problem. Conditions are right for such a settlement. We made great efforts. You made efforts too. So we reached agreement in October. President Nixon himself acknowledged that the agreement was completed and also that the date of signing the agreement was fixed. Now the reason for the agreement's not being signed on that date you said comes from our side. Because you said our intention was to start big military operations in South Vietnam. When the war is still

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going on both sides have military plans. That is normal. Only when there is a ceasefire and the agreement is signed and the war ended no fighting will go on. So the cause for the agreements not being signed on the date that was fixed comes from your side and not from ours. Now that the agreement has been reached, you have proposed many changes. But we will not change the points on which we have agreed. If we had maintained the agreement we reached, the war would have been settled long ago and no more meetings would have been necessary. We maintain our questions of principle in the agreement. Whether settlement is possible or not depends on you because you agreed with us. Now you want to change the agreement and oblige us to accept your principles. How can we make such an agreement? The points I have raised you understand very clearly. Once an agreement is signed the wording is not important. Then why do you want to change it? I know that an agreement is an agreement. But what if the development of the situation is otherwise? In any case an agreement is a legal document which both parties should respect. You said we shouldn't pay too much attention to the wording but you insist on many changes in the wording. We haven't proposed many changes to the wording. It depends on you whether we can sign rapidly, settle the problem and put into practice the schedule mentioned. It does not depend on us. It is time to settle peacefully but to do so you should make great efforts and we will make an effort.

Dr. Kissinger: No adjective?

Le Duc Tho: Because we have already made great efforts and exhausted the possibilities. There remains only little effort to make. We will do that. You said you have some difficulties. We understand in part that you have difficulties with the Saigon administration and you have had discussions with them. But we still maintain that you are the decision maker. What is important for you is that the Saigon regime is still there and Nguyen Van Thieu is still there. Moreover if the agreement is signed you will be able to continue economic aid and only military aid will be excluded. I think that is the most important to you. So when the puppet administration...

Dr. Kissinger: I suggest we avoid phrases like that in the future.

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Le Duc Tho: So when they propose changes it is less important than these points above. You say you have difficulty with wording but we have agreed to the wording between us and the wording is correct. Of course we have agreed in the main concerning the agreement. That means we are nearing peace. I think there is no reason for us to continue the war unless our principles are disregarded. In that case we have no other course than to continue the struggle. This is beyond our objective intention. If the situation comes to such a point, that depends on you.

Regarding the schedule you have proposed, in order for that to be put into practice you must make efforts and we will also make efforts but it mostly depends on you. Therefore whether we can put a schedule into practice or not depends on you. We have put forward all our proposals. For example, on civilian prisoners detained in South Vietnam whose release we are demanding, you have understood how important this question is to us. The reason we put forward our proposal is prompted by our desire to settle this question, but you have not discussed this proposal of ours. We put forward this proposal, then the following day you proposed interruptions in the talks and you read me some threats. I was somewhat dissatisfied by this. In negotiations you should not threaten us and of course we will not threaten you. When a proposal is made let us discuss it. This is obvious. I thought that when you proposed the restricted meeting that you would discuss our proposal. But no, you only made serious threats. But we have been fighting for ten years and you understand that we are not frightened by threats. You understand how we are. Let us now negotiate and discuss. The reason I draw this experience is that I desire to have good results in the current negotiations. That is my view. Now how shall we discuss?

Dr. Kissinger: Mr. Special Adviser, we have made efforts to take into account your principles in what we are prepared to present to you now or this afternoon. We have attempted to reduce it to the minimum. As we understand your proposals, you want some mention of the PRG in the document. We have tried to find some approach to this. You want to maintain the essence of what has been agreed to regarding the political provisions. We will try to find some approach. I will put aside the question of prisoners for the moment.

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What do we need? We need somewhere something in the agreement that indicates that the forces in South Vietnam are not a matter of indifference to us. You accuse me of trying to find tricky formulas. That's true. I am trying to find some formula which permits you to maintain your principles and at the same time permits us to maintain our principles, through some very vague phrasing. Maybe we have not been ingenuous enough in finding the right phrase but that's our objective. Now regarding the civilian prisoners, we cannot possibly change the Article but I think we could work out an understanding where the practice would come close to your intention. That is, linking a de facto redeployment of forces to a release of prisoners. Those are our thoughts on this matter.

Le Duc Tho: You presented your proposals in very general terms. If possible, present your concrete proposals. Then we will break and study them and respond this afternoon.

Dr. Kissinger: Actually, there are very few remaining problems. First, with regard to the Preamble, here is our proposal. There is absolutely no possibility for the Saigon government to sign a document mentioning the PRG, and such a signature would have a different significance for it than for us. Therefore our suggestion is as follows. We are prepared to sign a Preamble mentioning the PRG, that is, the U.S. is prepared to sign. We maintain our position that we do not recognize the PRG, but we are prepared to mention it in the document. The Saigon government would sign a separate Preamble. Thus we would exchange four different documents which would be the same except for the Preamble. The Preamble in three of the documents would be the same and there would be one Preamble which would be different. This is a sign of good will on our part to separate ourselves from our allies in this manner. Except for the Preamble, the four documents would be the same. Here are the two texts of the Preamble, one which we would sign, which would be the same as the one you would sign, and one Preamble the Saigon government would sign.

Le Duc Tho: You mean the agreement would be signed by the two parties.

Dr. Kissinger: No, there would be four documents. The agreement would be completed when the parties had exchanged documents. We would sign a document whose preamble would be identical with yours, mentioning the PRG. The Saigon government will sign a document whose first paragraph would be different but all the other obligations would be the same. Certainly the Minister understands.

Minister Xuan Thuy: I understand, but the more I understand the more laughable I think it is.

Dr. Kissinger: Maybe you find it laughable but this is a major concession on our part. Of course we would be prepared to sign a document merely saying the four parties.

Le Duc Tho: That would never be acceptable.

Dr. Kissinger: The Special Adviser said that if we could find any treaties which did not specify who the parties were then he would agree with our position. We have found at least 20 treaties which do not mention the names of the parties in the preamble, including the SEATO Treaty, to which I know the Special Adviser pays special attention.

Le Duc Tho: I pay very great attention to the SEATO Treaty because of its objectives.

Dr. Kissinger: But I will be glad to give you a list of the treaties which don't mention any of the parties.

Minister Xuan Thuy: Why shouldn't we mention the names of the various governments in the document with a note below it that this does not imply recognition of each other?

Dr. Kissinger: I trust you recognize that for the Vietnamese parties the act of giving symbolic recognition is more important than for us. Does the Minister mean that the DRV would then be withdrawing recognition from us?

Le Duc Tho: Present your proposal. We will study it.

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Dr. Kissinger: All right. Regarding paragraph 8 (c), we will temporarily put it to one side. We will come back to it. Concerning Article 12 (a), we recommend that we drop the word "equality" after the words "reconciliation and concord," which was the original text, the one in October. Therefore it would read "immediately after the ceasefire the two South Vietnamese parties shall hold consultations in a spirit of national reconciliation and concord, mutual respect, and mutual non-elimination to set up an administrative structure called the National Council of National Reconciliation and Concord, of three equal segments." We accept three equal segments but we would like to add "whose members shall be chosen equally by the two parties."

The phrase "whose members shall be chosen" etc. is in fact in our mutual interest, otherwise the Council would never come into being because each side would veto the candidates of the other side. We will accept the sentence on councils at local levels. Regarding Article 13 we would like to mention in the proposal how demobilization will be carried out. We don't consider this a change of principle, just an explanation. But we will drop the sentence on international supervision. Regarding Article 15, we would add the phrase "and each other's territory" to "respect for the Demilitarized Zone." Regarding Article 20 d, we will drop the sentence that we proposed, "accepting the principle of maintaining their armed forces" etc. We just wish to add the phrase "and the non-use of force against one another." Regarding Article 8 c, we propose maintaining this article. But we propose to add an understanding that the U.S. will use its maximum influence on the basis of the relationship between the release of prisoners and the redeployment of forces, so that we can agree to the essential aspects of your proposal without changing the language. These are all the proposals we have; we withdraw any other changes still outstanding. If we can agree on these changes, we can finish the agreement immediately with these procedures.

Le Duc Tho: That is your subjective desire.

[Regarding our new meeting place:]

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Dr. Kissinger: Colonel Guay would be glad to take one of your members up there. If you have any special requirements we will do everything to meet them.

Le Duc Tho: Our requirement is to have an adequate record. If we are limited to handwriting it is not accurate.

It was agreed that we would bring a tape recorder to tomorrow's session and give the DRV the machine and the tape so that they can listen to it upon the conclusion of the session.

It was agreed to meet at 4 p.m. this afternoon at the new house proposed by the DRV.

Dr. Kissinger: I forgot to make one point about the understanding in connection with Article 8 c. It would help our ability to apply the understanding and convince our people about the agreement, if some redeployment occurred soon after the signing of the agreement. It's just a question of timing, a symbolic number.